

BS01372

U.S. Application No. 10/017,111 Examiner ALVAREZ, Art Unit 3622  
Request for RCE in Response to December 14, 2004 Office Action

**REMARKS**

In response to the final Office Action dated December 14, 2004, Assignee respectfully requests reconsideration based on the above amendments and the following remarks. Assignee respectfully submits that the pending claims distinguish over the cited documents.

The United States Patent and Trademark Office (the "Office") rejected claims 1-4, 6-14, and 18-27 under 35 U.S.C. § 103 (a) as being obvious over WO 99/45702 to Knudsen. The Assignee shows, however, that the pending claims are patentably distinguishable over *Knudson*.

**Extension of Time**

Examiner Alvarez, please note this response includes an extension of time. This response includes a petition for a one-month extension of time. The petition also includes the 37 C.F.R. § 1.17(a)(1) large entity fee of \$120. Examiner Alvarez is thus requested to enter this amendment.

**Rejection of Claims under 35 U.S.C. § 103 (a)**

The Office rejected claims 1-4, 6-14, and 18-27 under 35 U.S.C. § 103 (a) as being obvious over WO 99/45702 to Knudsen. If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P."). As the Assignee shows, *Knudson* does not teach or suggest all the features of the independent claims 1 and 15.

Claims 1 and 15 are not obvious in view of *Knudson*. Both independent claims 1 and 15 receive a user's "credit card purchase records describing purchases from retail stores." Support for this feature may be found at least at paragraphs [0034] and [0035] of the pending application.

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Examiner Alvarez is correct — *Knudsen* receives “information regarding programs that have been purchased and viewed.” *Knudsen* at page 10, lines 8-11. *Knudsen* also describes an “order processing and billing system” for pay-per-view programming. *Knudsen* at page 9, lines 5-8. *Knudsen*, however, fails to realize that targeted content can be related to a user's credit card purchase records describing purchases from retail stores. *Knudson* is completely silent to such a concept. Thus, *Knudson* in no way teaches or suggests the features of claims 1 and 15. One of ordinary skill in the art, then, would not find it obvious to modify the teachings of *Knudson* to target incentives to cable television viewers based on credit card purchase records describing purchases from retail stores. Because *Knudson* does not teach or suggest all the features of independent claims 1 and 15, *Knudson* cannot obviate the pending claims. The Assignee, then, respectfully requests removal of the 35 U.S.C. § 103 (a) rejection.

**New Independent Claim 38**

Newly presented independent claim 38 distinguishes over the cited documents. New claim 38 emphasizes a “redeemable electronic coupon” is transmitted to the user. When a user's content selections relate to the user's credit card purchase records, the user is classified. A redeemable electronic coupon that matches the classification is transmitted to the user. Support for such features may be found at least at paragraphs [0006], [0009], and [0030] of the application.

Neither *Knudson* nor *Cook* teach or suggest redeemable electronic coupons. *Cook*, cited in the first office action, briefly mentions a “stimulus” in Internet advertising (see, e.g., U.S. Patent 6,631,360 to *Cook* at column 4, lines 4-15; column 4, lines 18-25; and column 8, lines 26-39). The patent to *Cook*, however, never defines the term “stimulus,” and *Cook* fails to teach or suggest that a “redeemable electronic coupon” may be transmitted to the user.

*Knudsen* similarly fails to teach or suggest a “redeemable electronic coupon.” *Knudson* discusses “targeted advertising,” yet *Knudson* fails to define the term nor provide any description of redeemable electronic coupons. *Knudsen* only explains that targeted advertising “may contain

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text, graphics, or video.” WO 99/45702 to Knudsen (Sep. 10, 1999) at page 3, lines 15-16. Knudsen continues explaining that targeted advertising may be “active objects containing user-selectable options.” *Id.* at page 3, lines 16-18. These options may include having additional information mailed to the user’s home, purchasing a product, or view additional information. See *id.* at page 3, lines 19-23. No where, however, does Knudsen mention redeemable electronic coupons, and no where does Knudsen suggest targeted ads may include a redeemable electronic coupon.

**Excess Claim Fees**

This response adds new claims 28-38. New dependent claims 28-37 require an excess claim fee of \$500 (10 x \$50). New independent claim 38 also requires \$200. The total excess claim fee is thus \$700, and authorization for such charge is included.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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